

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMAL M. AWAD

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:06cv870-LG-RHW

**ALBERTO GONZALES and
BUREAU OF CITIZENSHIP AND
IMMIGRATION SERVICE**

DEFENDANTS

REPORT AND RECOMMENDATION

This case is before the Court on Plaintiff's motion [2] to proceed with this lawsuit against the United States Attorney General *in forma pauperis*. Awad's sworn application to proceed *in forma pauperis* indicates that he has no income and no expenses. It also contains this question:

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?
[] Yes [] No If yes, describe on an attached sheet.

Awad checked the "Yes" box, but provided no description as required. In response to a request for information "that will help explain why you cannot pay the docket fees for your case," Awad stated, "Recently released from detention center."

Based upon the information presented, or the lack thereof, the undersigned recommends that [2], the motion to proceed *in forma pauperis*, be denied.

NOTICE OF RIGHT TO APPEAL/OBJECT

Pursuant to 28 U.S.C. § 636(b)(1), any party who objects to this Recommendation must, within ten (10) days after being served a copy of the Recommendation, serve and file with the Clerk of Court his written objections to the Recommendation, with a copy to the District Judge, the U.S. Magistrate Judge and the opposing party. A party filing objections must specifically

identify those findings, conclusions and recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. A party's failure to file objections to the proposed findings, conclusions and recommendation contained in this report shall bar that party from a *de novo* determination by the District Court. A party who fails to file written objections to the proposed findings, conclusions and Recommendation within ten (10) days after being served with a copy, shall be barred, except upon the grounds of plain error, from attacking on appeal any proposed factual finding and legal conclusion accepted by the District Court to which the party did not object. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Signed, this the 5th day of September, 2006.

/s/ *Robert H. Walker*

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE